

REQUEST FOR RECONSIDERATION	Attorney Docket Number	BLANDFORD-01
	First Named Inventor	Robert R. Blandford
	Application Number	10/807,270
	Filing Date	03/24/2004
	Group Art Unit	2139
	Examiner Name	Harris C. WANG
RPB Reference Number		BLANDFORD-01
for: REMOTE VOICE TRANSCRIPTION AND ENCRYPTION FOR WEB DIARY		

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

In response to the Office Action dated March 10, 2009, applicant request reconsideration of the outstanding rejection in view of the following comments.

Claims 86-91 are now pending in the above-captioned application. A new Prior Art rejection under 35 U.S.C. §103 has been made rejecting claims all of the claims as being unpatentable over Blandford in view of Topham, further in view of Sykes¹, or Blandford in view of Topham in view of Sykes in view of Applicant's admitted Prior Art.

Blandford, U.S. Patent No. 5,347,579, issued September 13, 1994 and the present application does not claim priority from that Patent. Thus, the Blandford '579 Patent predates the present application by more than a year.

Topham, Published U.S. Patent No. 2002/0196685 was published on December 26, 2002, more than one year prior to applicant's filing date.

¹ Note that Sykes is not cited in the header of the rejection, but was introduced in the body of the rejection.

In the Office Action, Pages 2-4, the rejection states that Blandford '579 discloses a number of the elements of independent claim 86, but does not teach the use of an encryptor, a decryptor, a digital signal generator, a time-stamping generator, and search means, each coupled to a network and physically separated from the diary input and archive. Thus, the Office Action admits that Blandford '579 does not teach or suggest all of the features of the present invention.

Applicant notes that the Office Action, page 2, last line, recites that Blandford '579 teaches a "diary archive storage". While the rest of this recitation of claim elements from claim 86 is nearly word-for-word, it is telling that the term remote was intentionally left out of this portion of the recitation. Claim 86 recites a remote diary archive storage, not "diary archive storage".

As discussed previously, remoteness is an important aspect of the present invention. An archive in a user's computer may be secured from tampering and alteration, as disclosed in the Blandford '579 Patent. However, so long as the user has physical control over the computer, the computer itself can be waylaid, destroyed, lost, stolen, damaged, either intentionally or unintentionally. Thus while the diary disclosed in the Blandford '579 Patent represents an improvement over the art, the present invention represents a further improvement over Blandford '579 by providing a remote archive which is not under control of the user. Even if the user's computer is lost, stolen, damaged, or destroyed, the archive remains intact and not under control of the user. As such, the remotely archived diary serves as a more robust record that could be used, for example, in legal proceedings or the like. The Office Action glosses over this remoteness aspect as if it were a trivial matter, which it is not.

Topham is added to Blandford '579 to allegedly show the use of a remote archive. In Topham's system the archive is not remote. It is at the "host computer". It is only the timestamping system that is remote. Topham's discussion of Figure 5 is slightly ambiguous:

"[0079] FIG. 5 illustrates schematically process steps carried out at a host computer having a storage device and at a server computer of a verification organization, for storing a verified data set onto a back up data storage medium."

Paragraph [0079] would be clearer if there were a comma after "device." In any event, examination of Figure 5 makes it unambiguously clear that the "storage device" is at the host computer and that the "back up data storage medium" is on the "storage device" at the host computer when the "back up data storage medium" is written to. Notice the headings at the top of Figure 5, which make it clear that the "Host Computer" is where the data is stored. The only data that is from the remote computer is the timestamp data.

Thus, Topham does not teach or suggest a remote archive storage, and thus the references, taken alone or together, do not teach all of the features of the claimed invention.

However, there would be no problem finding a remote archive linked over the Internet in the previous literature. Applicant has stipulated that many times. The problem, however, is those Prior Art archives are not non-rescindable. The Office Action apparently wants to argue that Blandford '579 shows secure, non-alterable storage and, since remote storage is known it is obvious to combine them to have remote, non-rescindable storage.

The Office Action argues (Page 5) that the combination of Blandford '579 with Topham would have been obvious as the result would have been predictable ("all of the elements would result in the same results as Blandford, except they would be connected via a network"). Applicant respectfully disagrees. As previously noted, the use of a remote non-rescindable archive results in a diary that is more robust and secure and represents an improvement over the art. The use of a remote and non-rescindable archive produces a different and non-predictable result, namely the enhanced security of the diary due to the combination of remoteness and non-rescindably combined together.

In addition, note that claim 86 recites that the remote archive and the user diary input are located physically remote from and operated independently from, the encryption site, the digital signature generator, and the secure third-party time-stamping generator. This limitation was not addressed at all in the Office Action. Even if one assumes, *arguendo* that Topham teaches a

remote archive (which he of course, does not), by the Examiner's own admission, Topham is disclosing a time-stamping generator combined with the remote archive. Thus, Topham does not meet the limitations of claim 86 missing from Blandford. The two references, taken alone or together, do not teach or suggest the remote archive and the user diary input are located physically remote from and operated independently from, the encryption site, the digital signature generator, and the secure third-party time-stamping generator.

Claim 87 further recites a filing key generator, located physically remote from both the user diary input and remote diary archive storage. Again, Topham, even if interpreted in the Examiner's view, does not teach these components being remote and independent from one another. Again, the remoteness and independence produces a different and non-obvious result than the Prior Art. By making these components remote and independent from the user and the archive, the security of the system is enhanced. The same comments apply to claim 88 and 91, but with regard to the search means and decryption site, respectively.

With regard to Sykes, Applicant's previous comments in Prior responses regarding this reference are incorporated here. While Sykes discloses a button for extending archiving for one to seven years, this is not done in a non-rescindable manner. In other words, Sykes allows a user to say "Save this data for X years, unless I decide to delete it before then." The present invention, in contrast, allows a user to say, "Save this data for X years, and don't let anyone delete it, even me, before then." Sykes teaches to save data for a number of years. The present invention teaches to save data in a non-rescindable fashion for a negotiated time period.

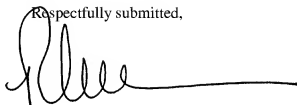
With regard to claims 89-90, applicant's comments with regard to claim 86 are applied here.

As the references applied to the claims do not teach all of the features of the claims, taken together or alone, applicant need not amend the claims to overcome this rejection. Applicant respectfully requests that the Examiner reconsider the rejection in view of the above comments and allow the application or point out with particularity where the Prior Art teaches **the remote archive and**

the user diary input are located physically remote from and operated independently from, the encryption site, the digital signature generator, and the secure third-party time-stamping generator.

The Commissioner is hereby authorized to charge any additional fees associated with this communication, including patent application filing fees and processing fees under 37 C.F.R. § 1.16 and 1.17, or credit any overpayment to **Deposit Account No. 50-1393**.

Respectfully submitted,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

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